

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C05-5487 RJB/KLS

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the Court is Plaintiff's fourth motion for an extension of time to respond to defendants' motion for summary judgment. (Dkt. # 66). For the reasons stated below, the extension shall be granted.

I. DISCUSSION

This is Plaintiff's fourth request for an extension of time of Defendants' motion for summary judgment. The summary judgment motion was filed on July 21, 2006 and originally noted for August 25, 2006. Plaintiff's first request was unopposed and was based on a prison policy of

1 allowing inmates to have access to only one box of legal materials in their cell at a time. (Dkt. # 43,
2 44). The Court granted Plaintiff's motion, extending the noting date for the motion for summary
3 judgment from August 25, 2006 until November 17, 2006. (Dkt. # 49).

4 The Court granted a second extension of time on receipt of Plaintiff's notice that he was
5 having surgery performed on his hand and that he would be unable to write for approximately four to
6 six weeks after September 13, 2006. (Dkt. # 51). Defendants did not oppose Plaintiff's request.
7 The Court re-noted the Defendants' motion for summary judgment until December 14, 2006. (Dkt.
8 #54).

9 Plaintiff's third request for an extension was based, in part, on the receipt of information
10 anticipated from a third party (the Associated Counsel for the Accused "ACA", *See* Dkt. # 58, 59),
11 and in part, because inmates are allowed to have only one box of legal documents in their cell at a
12 time. (Dkt. # 61). Plaintiff requested additional time to respond to the Defendants' motion for
13 summary judgment pending in this action and to file a reply in his pending habeas action in Case No.
14 C06-459-TSZ-MJB. (*Id.*). Because of Plaintiff's deadline in his habeas action and to allow Plaintiff
15 sufficient time to exchange his box of habeas corpus pleadings and documents for his box of civil
16 pleadings and documents, Defendants did not oppose his requested extension. (Dkt. 62). However,
17 Defendants objected to Plaintiff's request for a "twenty-four hour" directive to the WSP as neither
18 the WSP nor its officials are defendants in this case and as such, this Court lacked jurisdiction to
19 issue such a directive. (*Id.*).

20 The Court granted Plaintiff's motion and re-noted the motion for summary judgment until
21 February 23, 2007, stating that "[n]o further extensions of time as to this motion shall be granted."
22 (Dkt. # 63).

23 In his most recent request for an extension, Plaintiff alleges that he has sought his legal files
24 for five weeks and that WSP is intentionally interfering with his ability to litigate his cases. He also
25 states that he is again scheduled for surgery. (Dkt. # 66, at 2). Defendants have not responded to

1 Plaintiff's most recent request for an extension. The Court is aware, however, that in CR06-
2 0459TSZ the AG did not object to a request for extension based on the Plaintiff's limited access to
3 his legal files.

4 Accordingly, the Court finds that yet another reasonable extension of time is warranted. The
5 Clerk of the Court shall **re-note** Defendants' motion for summary judgment (Dkt. # 38) for the
6 Court's docket of **June 29, 2007**. Plaintiff's brief and affidavits in opposition to the motion shall be
7 filed and served not later than 4:30 p.m. on the Monday immediately preceding the Friday appointed
8 for consideration of the motion; if plaintiff fails to file and serve timely opposition to the motion, the
9 Court may deem any opposition to be without merit. Defendants may file, not later than 4:30 p.m.
10 on the Thursday immediately preceding the Friday designated for consideration of the motion, a
11 response to the opposing party's briefs and affidavits.

12 The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

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14 DATED this 27th day of March, 2007.

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18 Karen L. Strombom
19 United States Magistrate Judge
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